THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18328 of 2003

Dated:18.07.2006

Between:

Uma Srivastav

…Petitioner

and

The Commissioner, Survey, Settlements & Land Records, Andhra Pradesh, Hyderabad and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18328 of 2003

ORDER:

The petitioner is a resident of Thumkunta. She purchased an extent of 408 square yards of land in Survey No.81 situated at Thumkunta Village, Sharmirpet Mandal, Ranga Reddy District, under registered sale deed. She made an application to the fourth respondent seeking permission to construct a house on the said Plot No.6 forming part of Survey No.81. It appears, the second respondent addressed a letter to the first respondent on 16.12.1989 alleging that certain extents of land in various survey numbers including the land in Survey No.81 of Thumkunta belong to one Masar Mohd.Khan, evacuee, and that one T.Rajaiah is in occupation of the land by reason of a sale deed since the migration of the evacuee. The petitioner, therefore, apprehends that treating the property in Survey No.81 as evacuee, the Gram Panchayat might reject permission for construction of house.

The third respondent has filed a counter affidavit. The purchase of land by the petitioner under registered sale deed is not denied. It is further stated that Thumkunta Rajaiah filed a suit, being A.S.No.114 of 1973 on the file of the Court of the Additional Chief Judge, City Civil Court, Hyderabad, and that the same was dismissed holding that Rajaiah has no right to continue in possession of the land. It is also admitted that the vendor of the petitioner is recorded as protected tenant, but he failed to prove the title over the land.

After hearing learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General), the following are undisputed facts. The vendor of the petitioner is recognized as a protected tenant and the petitioner's purchase under registered sale deed has not been denied. Therefore, it is for the Gram Panchayat to consider these aspects while taking up the application made by the petitioner for construction of a house. It is also open to the petitioner to submit a fresh application for construction of house, keeping in view the Rules made by the Government under Section 121 of the Andhra Pradesh Panchayat Raj Act, 1994. As and when the application is submitted by the petitioner for construction of a house, the fourth respondent shall consider the same keeping in view the averments made by the third respondent in the counter affidavit.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

18.07.2006

vs